

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

NATIONAL RAILROAD PASSENGER  
CORPORATION,  
Plaintiff,

03 Civ.12440-DPW

v.

5,103 SQUARE FEET OF LAND,  
LOCATED AT 40-46 HARVARD  
STREET, SITUATED IN WESTWOOD,  
MASSACHUSETTS; MORTIMER B.  
ZUCKERMAN AND EDWARD H. LINDE,  
TRUSTEES OF THE 40-46 HARVARD  
STREET TRUST, OWNERS; AND  
UNKNOWN OTHERS,

Defendants.

JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1(D)

Pursuant to Local Rule 16.1, plaintiff National Railroad Passenger Corporation ("Amtrak") and defendants Mortimer B. Zuckerman and Edward H. Linde, Trustees of the 40-46 Harvard Street Trust, (collectively, "Defendants") hereby submit the following Joint Statement for the Scheduling Conference set for April 7, 2004.

I. Agenda for Scheduling Conference.

- A. The parties' proposed joint discovery plan.
- B. Settlement and alternative dispute resolution.

II. Proposed Joint Discovery Plan.

The parties propose the following Joint Discovery Plan:

A. **Initial Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1).**

All initial disclosures shall be made on or before May 15, 2004.

**B. Written Discovery Requests.**

All written discovery requests shall be served on or before June 1, 2004.

**C. Depositions.**

All depositions (except expert depositions) shall be completed on or before August 1, 2004.

**D. Experts.**

Disclosure of expert witnesses and expert reports shall be made on or before August 15, 2004, and all depositions of expert witnesses will be completed on or before September 30, 2004.

**III. Filing of Motions.**

The parties propose that all pre-trial motions, including motions for summary judgment, be filed on or before November 1, 2004.

**IV. Trial.**

The parties recommend that the Court hold a final pre-trial conference and set a firm trial date by December 1, 2004. The entire case should be disposed of by January 31, 2005.

**V. Trial by Magistrate Judge.**

The parties do not consent to trial by a magistrate judge.

**VI. Settlement Proposal.**

The parties have not reached agreement regarding an appropriate settlement of this matter.

**VII. Alternative Dispute Resolution.**

The parties are amenable to resolution of this matter through alternative dispute resolution.

**VIII. Local Rule 16.1(D)(3) Certification.**

The parties will file independently their certificates of compliance in accordance with Local Rule 16.1(D)(3).

MORTIMER B. ZUCKERMAN AND  
EDWARD H. LINDE, TRUSTEES OF THE  
40-46 HARVARD STREET TRUST,

By their Attorneys,

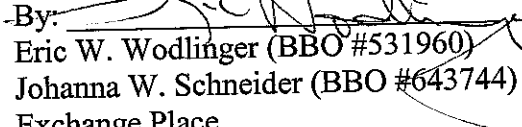
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